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By ECF

Honorable Nicholas G. Garaufis
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Honorable Magistrate James Orenstein
United States District Court
Eastern District of New York
Chambers Room 1227 South, Courtroom 11D South
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *In re Application of Debbie Gushlak for an Order Pursuant to 28*
U.S.C. § 1782, 11-mc-218 (NCG) (JO)

Dear Judge Garaufis and Magistrate Judge Orenstein:

I am respectfully submitting this letter to notify the Court and Ms. Debbie Gushlak's counsel, Ms. Sheryl Reich, that I have been retained to represent Myron Gushlak in the above-captioned matter, and to advise all concerned of steps that I am taking to move this matter along expeditiously. In addition, I am writing to advise the Court and Ms. Reich of certain relief that Mr. Gushlak will need to seek; and to request a "meet and confer" to see if these issues, and any other issues that Debbie Gushlak wishes to raise, may be amicably resolved by the parties.

I would also be happy to conference these matters with the Magistrate and/or the Court.

Notice of Appearance / Substitution of Counsel: I am filing a Notice of Appearance today, simultaneously with this letter. I expect to file a Substitution of Counsel on Monday, replacing all current counsel for Mr. Gushlak in this Section 1782 matter.

Expeditious Compliance With Subpoena: Please be assured that I am doing, and will continue to do everything humanly possible to move this matter along expeditiously. Soon-to-be-substituted counsel has done the same. Mr. Alan Futerfas, his bookkeeper and members of the Futerfas firm's staff worked tirelessly this past week to produce to Ms. Reich appropriately redacted copies of years of the Futerfas firm's attorney invoices, and to prepare for production years of bank records. A stack of these documents was furnished to Ms. Reich on Wednesday,

and the remainder (the bank records) is expected to be ready tonight and produced as soon as the confidentiality agreement is entered into. Natalie Napierala, of Rosner & Napierala LLP, also worked this week to produce documents to Ms. Reich. Ms. Napierala produced certain documents yesterday, and expects to produce additional documents upon the return to the office of her partner Mr. Rosner next week.

Soon-to-be-substituted counsel has assured me that they will continue to cooperate with me to provide documents in their possession or control. In fact, Mr. Futerfas spent this entire week working with me on production issues, including phone calls to learn the status of items. Mr. Futerfas has already conveyed significant portions of this information to Ms. Reich.

After confirmation of certain additional items, I expect to send to Ms. Reich a comprehensive update on discovery issues, with input from Mr. Futerfas and others, on Monday or Tuesday (July 30th or 31st). I will continue to work to gather, review, disclose and/or prepare privilege logs for any remaining documents, on an expeditious rolling basis. I invite Ms. Reich to "meet and confer" with me to amicably resolve any discovery issue at any time, and I expect to call Ms. Reich on Monday to try to confer with her.

Please also note that in order to come up to speed quickly in this matter without the necessity for delay, I traveled to Allenwood and met with Mr. Gushlak last Sunday, July 22, 2012 (along with Mr. Futerfas), and will be meeting with Mr. Gushlak again this coming Sunday. I have reviewed the Court's decisions, the transcript of the July 19, 2012 proceedings before Magistrate Orenstein, and other relevant documents, and participated in phone calls.

Confidentiality Order: I understand that Mr. Futerfas previously requested that Ms. Reich enter into a confidentiality agreement on behalf of her client, to be so ordered by the Court, to assure that confidential documents obtained in this Section 1782 proceeding, including confidential internal business documents, will be kept confidential and will only be used for their intended purpose, namely, the Cayman divorce proceeding. However, no such agreement was previously entered into.

In light of the sensitive nature of the items that have been disclosed and are continuing to be disclosed (including law firm financial records), Mr. Futerfas reiterated his request to Ms. Reich yesterday, and advised Ms. Reich of Mr. Gushlak's intent to apply to the Court for a Confidentiality Order on Wednesday August 1, 2012 if the parties cannot agree upon confidentiality terms. Ms. Reich thereupon offered to review a draft confidentiality agreement, and Mr. Futerfas forwarded the draft agreement to Ms. Reich yesterday evening. I understand that Mr. Futerfas has not heard back from Ms. Reich as to the results of her review of the draft agreement.

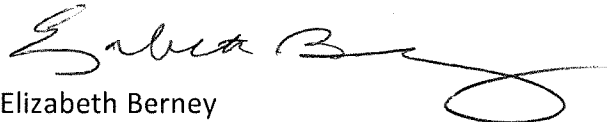
Ms. Reich is invited to meet and confer with me to amicably work out the terms of an agreed-to confidentiality order, and I expect to telephone Ms. Reich on Monday to confer with her regarding this. If the parties cannot resolve this, I expect to promptly notify the Court by letter pursuant to Local Rule 37.3 and Your Honors' rules, and seek the Court's assistance with obtaining the needed confidentiality order.

Reciprocal Discovery: During my meeting with Mr. Gushlak, I learned that Mr. Gushlak is concerned with the “one-way” nature of this Section 1782 proceeding up until now. Documents in Debbie Gushlak’s possession or control are needed to attempt to level the playing field in the parties’ Cayman divorce. I thus intend seek a reciprocal discovery order (such orders are often issued in Section 1782 cases) on Wednesday August 1st. Ms. Reich is also invited to “meet and confer” with me to attempt to reach an amicable resolution of this issue, and I will also reach out to her by telephone on Monday regarding this matter.

Please be advised that Mr. Gushlak’s planned application for reciprocal discovery will not delay the efforts to complete Mr. Gushlak’s compliance with Ms. Gushlak’s discovery requests.

Appeal of Honorable Magistrate Orenstein’s recommendation regarding extraterritorial discovery: During the hearing before Honorable Magistrate Orenstein on Thursday July 19, 2012, Honorable Magistrate Orenstein gave Mr. Gushlak 14 days to file an appeal to the District Court regarding the Honorable Magistrate’s recommendation regarding extraterritorial discovery. I intend to timely file such an appeal on Wednesday August 1st.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Berney", with a large, stylized loop at the end.

Elizabeth Berney

cc: Ms. Sheryl E. Reich
Gerald B. Lefcourt, P.C.
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Mr. Alan S. Futerfas
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